



# CITY OF MEMPHIS

## COUNCIL AGENDA

October 7, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES**

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

1. **JOINT ORDINANCE** providing for the creation of a Redevelopment Trust Fund for the Central Business Improvement District, up for F I R S T reading.  
Peete Ordinance No. 5018

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

2. **ORDINANCE** to amend Chapter 21, Code of Ordinances, so as to require School Zone Signs at all Memphis City Schools, up for S E C O N D reading.  
Lowery Ordinance No. 5017

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCES - FIRST READING** (none)

**ZONING ORDINANCES- SECOND READING** (none)

### ENGINEERING

3. **RESOLUTION** accepting D. CANALE BEVERAGES, INC. SUBDIVISION, and authorizing release of bond.  
Case No. S 89-076  
(Contract No. CR-3426)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Florida Street, 173.25 feet south of E. H. Crump Boulevard. The standard improvement contract was approved on June 26, 1990. Resolution also authorizes the release of the performance bond in the amount of \$76,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting E.L.STEELE SUBDIVISION, and authorizing release of bond.  
Case No. S 89-012  
(Contract No. CR-3450AM)

Resolution accept the completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Winchester Road and Graves Road. The standard improvement contract was approved on September 7, 1999.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting FOX CHASE COMMERCIAL CENTER, C.P., PHASE 3, PARCEL 1, and authorizing release of bond.

Case No. Z 91-122cc  
(Contract No. CR-3875)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Germantown Road Extended, 540.12 feet south of Raines Road. The standard improvement contract was approved on September 13, 1994. Resolution also authorizes the release of the letter of credit in the amount of \$8,900.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting HICKORY HILL ROAD DEDICATION, PHASE 2, and authorizing release of bond.

Case No. SD 98-010cc  
(Contract No. CR-4485)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Holmes Road, 1,447.80 feet west of Mineral Wells Road. The standard improvement contract was approved on September 21, 1999. Resolution also authorizes the release of the performance bond in the amount of \$195,400.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting MEMPHIS DISTRIBUTION CENTER P.D., PHASE 2, and authorizing release of bond.

Case No. PD 93-359cc  
(Contract No. CR-3973)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Challenge Drive, 600 feet east of Clarke Road. The standard improvement contract was approved on July 25, 1995. Resolution also authorizes the release of the performance bond in the amount of \$40,900.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting OVERNITE TRANSPORTATION CENTER, and authorizing release of bond.

Case No. SUP 96-201  
(Contract No. CR-4307)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Cazassa Road,

between Brooks Road and September Road. The standard improvement contract was approved on 4/21/98. Resolution also authorizes the release of the performance bond in the amount of \$103,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting POPLAR AVENUE and OAK COURT BOULEVARD TRAFFIC SIGNAL MODIFICATION, and authorizing release of bond.

(Contract No. CR-4195)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the engineering plans located at the intersection of Oak Court Boulevard and Poplar Avenue. The standard improvement contract was approved on March 18, 1997. Resolution also authorizes the release of the certificate of deposit in the amount of \$20,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting RIVERWOOD FARMS SUBDIVISION, 4<sup>TH</sup> ADDITION, and authorizing release of bond.

Case No. S 96-009cc  
(Contract No. CR-4253)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Dexter Lane and Old Dexter Road. The standard improvement contract was approved on November 18, 1997. Resolution also authorizes the release of the performance bond in the amount of \$76,520.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting SHELBY OAKS RALEIGH LAGRANGE EAST P.D., PHASE 2 and RALEIGH LAGRANGE NONCONNAH PARTNERS P.D., PHASE 5, and authorizing release of bond.

Case Nos. PD 89-350 &  
PD 92-319  
(Contract No. CR-4516)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast side of Shelby View Drive, south of Raleigh LaGrange Road. The standard improvement contract was approved on December 7, 1999. Resolution also authorizes the release of the performance bond in the amount of \$214,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting ST. JUDE CHILDREN TRAFFIC SIGNAL MODIFICATION, and authorizing release of bond.

(Contract No. CR-4734)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the engineering plans located at the intersection of North Parkway and St. Jude Place. The standard improvement contract was approved on August 6, 2002. Resolution also authorizes the release of the performance bond in the amount of \$80,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting STANSELL CROSSING P.D., PHASE 11, PARCEL 4A, and authorizing release of bond.

Case No. PD 88-349cc  
(Contract No. CR-4014)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Lowrance Road, 2,554.24 feet west of Hacks Cross Road. The standard improvement contract was approved on October 17, 1995. This action is subject to County approval.

City Engineer recommends approved

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting TRINITY AT FOREST HILL-IRENE SEWERS(TRINITY BAPTIST CHURCH), and authorizing release of bond.

(Contract No. CR-4099)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the engineering plans located at the southwest corner of Sanga Road and Trinity Road. The standard improvement contract was approved on June 18, 1996. Resolution also authorizes the release of the performance bond in the amount of \$10,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting WINCHESTER/HACKS CROSS P.D., PHASE 17, and authorizing release of bond.

Case No. PD 97-361cc  
(Contract No. CR-4725)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the south terminus of Centennial Drive. The standard improvement contract was approved on July 2, 2002. Resolution also authorizes the release of the letter of credit in the amount \$9,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting WOODCHASE COMMERCIAL C-P, PHASE 1, PARCEL A, and authorizing release of bond.

Case No. Z 96-146cc  
(Contract No. CR-4440)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Germantown Parkway, north of Chimneyrock Boulevard. The standard improvement contract was approved on June 1, 1999. Resolution also authorizes the release of the performance bond in the amount of \$36,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., FIRST ADDITION, PHASE 2, PART OF AREA A, and authorizing release of bond.

Case No. PD 94-373cc  
(Contract No. CR-4627)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of U.S. Highway 64, 248 feet east of Houston Levee Road. The standard improvement contract was approved on April 03, 2001. Resolution also authorizes the release of the letter of credit in the amount of \$45,000.00. This action is subject to County approval.

City Engineer recommends

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting SYCAMORE VIEW ROAD P.D., PHASE 4, and authorizing release of bond.

Case No. PD 00-359  
(Contract No. CR-4776)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Sycamore View Road, 879.96 feet  $\pm$  south of Raleigh LaGrange Road. The standard improvement contract was approved on February 04, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$303,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION accepting WINCHESTER/HACKS CROSS P.D., AMENDED, PHASE 20, AREA B, and authorizing release of bond.

Case No. PD 02-304cc  
(Contract No. CR-4752)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Winchester Road and Centennial Drive North. The standard improvement contract was approved on October 15, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$123,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

20. RESOLUTION honoring Lexus of Memphis.  
Sammons

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

21. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 03-607 – WEBSTER AVENUE ALLEY/WRIGHT STREET

Located on the east side of Danny Thomas Boulevard beginning 183.3 feet north of Georgia Avenue extending westward 395.58 feet therefrom and on the north side of Georgia Avenue; extending northward 181 feet therefrom, containing 13,177 square feet in the Gateway Commercial (G-C) & South Downtown Residential (SDR) Districts

Applicant: Bountiful Blessings, Inc.  
Self Tucker Architects- James Murray – Representative

Request: Close & Vacate Street & Alley Rights-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 03-610 – WEBSTER AVENUE

Located on the east side of Danny Thomas Boulevard beginning 183.3 feet north of Georgia Avenue extending westward 395.58 feet therefrom containing 29,579 square feet = 0.679 acre

Applicant: Bountiful Blessings, Inc.  
Self Tucker Architects – James Murray – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 02-616 – CYPRESSWOOD AVENUE  
(Companion Cases SAC 02-617 & SAC 02-618)

Beginning at the west line of Horn Lake Road and proceeding westwardly +1,098 feet, containing 1.3638 acres in the Duplex Residential (R-D) Districts

Applicant: Memphis Housing Authority  
James K. Dickinson - Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 02-617 – SILVER MAPLE AVENUE  
(Companion Cases SAC 02-616 & SAC 02-618)

Beginning 166.06 feet north-northwestwardly of Cypresswood Avenue and proceeding west containing 1.0637 acres in the Duplex Residential (R-D) District

Applicant: Memphis Housing Authority  
James K. Dickinson - Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 02-618 – ORANGEGROVE DRIVE  
(Companion Cases SAC 02-616 & SAC 02-617)

Segment #1 – Beginning at the south line of Cypresswood Avenue and proceeding south-southeastwardly  $\pm$  166.06 feet therefrom and Segment #2 – Beginning at the north line of Cypresswood Avenue and proceeding north-northwestwardly  $\pm$  150.39 feet therefrom, containing 0.1619 acre and 0.1554 acre

Applicant: Memphis Housing Authority  
James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. PD 03-339 – BARTLETT COMMERCIAL CENTER PLANNED  
DEVELOPMENT

Located on the east side of Summer Avenue;  $\pm$  645 feet south of Elmore Rd., containing 9.271 acres in the Local Commercial (C-L) & Highway Commercial (C-H) Districts

Applicant: John Bragorgas/Jerry Ferrell J.V.  
W. H. Porter & Co., Inc. – Representative

Request: Allow contractor's offices with ancillary indoor storage and workshop space and certain uses permitted in the C-H district throughout the subdivision

G. Case No. PD 03-342cc – BARRY FARMS PLANNED DEVELOPMENT  
2<sup>ND</sup> AMENDMENT

Applicant: Warren H. Barry  
Prime Development Group (Michael J. Fahy) - Representative

Request: Ninety seven (97) detached single-family residential units with rear alleys for garage access

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:**      **October 21, 2003**



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## COUNCIL AGENDA

October 7, 2003

Public Session, Tuesday, 3:30p.m.  
Council Chambers, First Floor, City Hall  
125 N. Main Street  
Memphis, TN 38103-2017

### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

22. RESOLUTION honoring Sargent Sonny Torrance.  
Peete

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION approving a honorary street name change for Fannie Clark.  
Mitchell

ACTION REQUESTED: Adopt the resolution

24. APPOINTMENTS  
Marshall

### Alcohol Commission

#### Appointments

Ella R. Mosby  
Otharee Perry

#### Reappointments

Wilbert Bond, Sr.  
William N. Cox  
Millie Katzen

### Memphis and Shelby County Appeals Board

#### Reappointments

James L. Lynn Burke, Jr.  
William A. Hawkins  
Roscoe Darnell Tate

### Memphis and Shelby County Building Code Advisory Board

#### Appointment

Chandrika D. Reed

#### Reappointment

William M. Ayers Jr.

### Memphis and Shelby County Electrical Code Advisory Board

#### Reappointment

Morris Joy

### Memphis and Shelby County Mechanical/Gas Code Advisory

#### Appointment

David Sink

#### Reappointment

Winston S. Gipson



**Memphis and Shelby County Plumbing Code Advisory Board**

Appointment

Reappointment

Jimmy D. Hardin

James R. Boatwright Jr.  
Thomas Boyd Jr.

**EXECUTIVE DIVISION** (none)

**FINANCE & ADMINISTRATION**

25. RESOLUTION appropriating \$63,495.00 in G.O. Bonds General for the purchase of two Library Service Vehicles from Chuck Hutton Chevrolet, CIP Project No. LI011, Service Vehicle Replacement.(Held from 9/16)

Holt

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating \$50,000.00 in General Obligation Bonds in The National Ornamental Museum Foundation, Inc. a 501 (c) (3) nonprofit corporation of Memphis Project (PS040) in fiscal year 2004, in order to preserve and advance the art and craft of fine metalwork.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (none)

**DIVISION OF GENERAL SERVICES**

27. RESOLUTION accepting an offer of \$20,000.00 made by Remote Internet Corp., to purchase a portion of property owned by the City located on the north side of Egypt Central Road, west of Covington Pike. The property is improved with a brick building known as 5380 Egypt Central. The property adjoins residential zoned R-TH and R-S10. The Shelby County Assessor’s identifies the total property as D01-047-00262.

Jones

Resolution approves an Offer to Purchase of the improved City property at the above location. Said offer, made by Remote Internet Corp., a Tennessee Corporation, is in the amount of \$20,000.00. Said property contains approximately 15,871 square feet and a building formerly used as a Shelby County Fire Station. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (none)

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES**

28. RESOLUTION appropriating \$1,635,700.00 for waterproofing the Liberty Bowl Memorial Stadium, funded by G.O. Bonds General chargeable to the Fiscal Year 2004 Capital Improvement Budget. Bids were received with the lowest and best complying bidder being the firm of Volunteer Restoration, Inc.

Vergos

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

29. RESOLUTION appropriating funding for the D.A.R.E. program for Fiscal Year 2004, in the amount of \$60,000.00.
- Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS** (none)

**GENERAL ORDINANCES -THIRD AND FINAL READING** (none)

**ZONING ORDINANCES - THIRD AND FINAL READING**

30. ORDINANCE rezoning the north side of Ellis Road; beginning 944.6 feet west of Brunswick Road, containing 110 acres in the Former gravel extraction/Agricultural (AG) District, up for T H I R D and F I N A L reading. (Held from 9/2)
- Peete Ordinance No. 5013  
Case No. Z 03-114cc

Applicant: Windsor Park, LLC  
Keith Grant – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

31. ORDINANCE rezoning the southwest corner of E. McLemore Avenue and Kraye Street, containing 0.15 acre in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading.
- Peete Ordinance No. 5015  
Case No. Z 03-115

Applicant: Lisa Cox  
Suhkara Abdul Yahweh - Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**108 NOTICES MAILED ON SEPTEMBER 19, 2003**

32. ORDINANCE rezoning the north side of Pontotoc Avenue ± 180 feet east of Orleans Street, containing 0.43 acre in the Light Industrial (I-L) District, up for T H I R D and F I N A L reading.
- Peete Ordinance No. 5016  
Case No. Z 03-106

Applicant: Glenwood & Lucie Roane  
T. R. Branch, Strategic Visions - Representative

Request: Townhouse Residential (R-TH) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**61 NOTICES MAILED ON SEPTEMBER 19, 2003**

**DIVISION OF PLANNING & DEVELOPMENT**

33. RESOLUTION establishing a Public Hearing date of November 4, 2003 for the creation of a Redevelopment Trust Fund for the Central Business Improvement District Community Redevelopment Area.

Peete

Community Redevelopment Agency Board recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION establishing a Public Hearing date of November 4, 2003, for the finding of conditions necessary for Community Redevelopment and adoption of a Community Redevelopment Plan for Central Business Improvement District Area.

Peete

Community Redevelopment Agency Board recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving a special use permit located on the north side of Brooks Rd.; +815 ft. west of Graves Rd. intersection, containing 25 acres in the Heavy Industrial (I-H) and Heavy Industrial Flood Plain I-H (FP) Districts. (Held from 8/19;9/2)

Peete

Case No. SUP 03-214

Applicant: Pull-A-Part of Tennessee, LLC  
SR Consulting, L.L.C. (Cindy Reaves)-  
Representative

Request: Automobile Dismantler & Recycler

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

36. RESOLUTION amending the 2004 Budget of the Division of Planning and Development to create a fund to receive monies to establish a tree bank as outlined in Joint Ordinance Number 4838, which amended the Zoning Ordinance for the purpose of regulating The Removal of Trees.

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

37. RESOLUTION approving an appeal located on the southeast and northeast corners of Vanderhorn Drive and Piper Gap Drive in the Light Industrial (I-L) District. (Held from 3/4; 3/18; 4/1;5/6).

Peete

Case No. S 02-055

Applicant: Marvin Priola  
McCaskill & Associates, Inc. - Representative

Request: Appeal to amend the action of the Land Use Control Board's approval of the preliminary plan

LUCB and OPD recommendation: Approval of the preliminary plan with three (3) conditions (1) design modification and REJECTION of two (2) variances

ACTION REQUESTED: Take whatever action Council deems advisable

**15 NOTICES MAILED ON FEBRUARY 21, 2003**

**GENERAL ITEM**

38. RESOLUTION of the Memphis City Council, supporting the development of a 100 point pistol range and agrees to fund an amount not to exceed \$1.75 million for this range, provided the NRA agrees to move the National Police Shooting Championships to Memphis for a multi-year commitment beginning in 2005.

Jones

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**